

REMARKS

The Applicant's representative thanks Examiner Sells for the courtesy of the personal interview that took place on May 14, 2001.

Claims 36-48 are currently pending in the present application.

In the outstanding Official Action, the Examiner made an objection under 37 CFR 1.178 for failure to surrender the original patent. This application, however, is a continuation of a parent reissue application in which the original patent was already surrendered. As a result, the Applicant no longer has the original patent. Withdrawal of this objection is requested.

The Examiner also objected to the Preliminary Amendment filed December 20, 2000 for failure to underline the new claims. To obviate this rejection, the Applicant is filing herewith a new Preliminary Amendment, dated the same date as this Amendment, to replace the original Preliminary Amendment. This should obviate the Examiner's objection.

Also, a copy of the original patent as issued is being enclosed so that the Examiner can have the full text of claims 14 and 15 available for the file wrapper.

With respect to the outstanding anticipation rejection against claim 36, the Applicant has amended claim 36 to recite that the upper outer shell portion is "movably connected to said lower shell portion for movement between an open position and a closed position relative to said lower outer shell portion by manually engaging said upper outer shell portion directly and lifting said upper outer shell portion upwardly to said open position thereof." The underlining language is the language that has been added to the claim. This distinction is believed to distinguish claim 36 from Brink as Brink requires operation of a thumb screw to move its upper nip roller. In contrast, the construction of claim 36 is easier for the user as he/she can engage the upper outer shell portion directly and lift the upper outer shell portion upwardly to the open position thereof. Additionally, claim 36 has been amended to recite that the shells portions are upper and lower and that the lower outer shell portion has downwardly facing surfaces for supporting the apparatus in order to better characterize the general construction of the apparatus. Accordingly, claim 36 is believed to be in a condition for allowance.

Claims 37-46 each depend from claim 36 and are believed to be allowable for the same reasons as advanced with respect to claim 36.

With respect to the outstanding obviousness rejection to claim 47, the Applicant has amended claim 47 to recite that the method includes the act of "manually engaging said upper outer shell portion directly and lifting said upper outer shell portion upwardly to said open position thereof." Neither of the cited references, namely Brink and Tancredi, disclose this act. As mentioned above, Brink uses a thumb screw for moving the upper nip roller. Tancredi uses a piston-type actuator. Claim 47 has also been amended to recite that the shells portions are upper and lower and that the lower outer shell portion has downwardly facing surfaces for supporting the apparatus in order to better characterize the general construction of the apparatus on which the method is performed. Accordingly, claim 47 is believed to be in a condition for allowance

All objections and rejections having been addressed, it is respectfully submitted that the present application is in a condition for allowance and a Notice to that effect is earnestly solicited.

Respectfully submitted,

PILLSBURY WINTHROP LLP

By: 

Bryan P. Collins

Reg. No. 43560

Tel. No. (202) 861-3021

Fax No. (202) 822-0944

BPC/rdt

1100 New York Avenue, NW
Ninth Floor, East Tower
Washington, DC 20005-3918
(202) 861-3000